

1 The Honorable Barbara J. Rothstein
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 T.S.,

10 No. 2:21-CV-00520-BJR

11 Plaintiff,

**ORDER GRANTING MOTION TO
WITHDRAW AND SUBSTITUTE
ATTORNEY; GRANTING IN PART
AND DENYING IN PART MOTION
TO COMPEL**

12 v.

13 TOTE SERVICES, LLC,

14 Defendant.

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16 The Court held a teleconference on April 14, 2022, to address the parties' discovery
17 disputes, Plaintiff's motion to withdraw and substitute an attorney, and Defendant's motion for
18 sanctions. The Court ruled as follows:

19 1. Plaintiff's motion to allow Morgan Mentzer to withdraw as Plaintiff's attorney
20 and substitute Patty Rose (Dkt. 33) is granted, on the condition that in the event
21 another conference is necessary to resolve the issues raised in Defendant's
22 motion to compel, withdrawing counsel Morgan Mentzer must attend that
23 conference.
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25 2. Defendant's motion to compel (Dkt. 35) is granted in part and denied in part.
26 Plaintiff is directed to comply with Paragraphs 3-8 of this order no later than
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April 22, 2022.

3. Plaintiff must produce all relevant communications between herself and Time's Up Legal Defense Fund.
4. Plaintiff must attempt to recover any missing communications (including text messages, emails, or messages sent via other application) between Plaintiff and her friends or mother that are relevant to her claims and that were sent between January 2017 and the present.¹ If Plaintiff cannot recover and produce communications that Plaintiff deleted, Defendant may be entitled to an adverse inference at trial.
5. Plaintiff must produce, in complete form, missing and/or redacted pages of her personal journal that are relevant to her claims.
6. Plaintiff shall clarify under oath (in writing or in her deposition) whether she had any jobs or businesses that generated income during the relevant period.
7. Plaintiff shall produce any documents or communications in her possession related to Social Security disability benefits.
8. Plaintiff shall produce any materials relied upon by her expert witness that have not already been provided to Defendant, including communications between the expert and the expert's consultant.
9. The Court may assess sanctions at a later date but makes no ruling on that at this time.

¹ The parties shall meet and confer to discuss options for recovering the messages. Because Plaintiff has until April 22, 2022, to attempt to recover the messages, this meet-and-confer may take place after that date if necessary.

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2 DATED this 18th day of April, 2022.
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4 BARBARA J. ROTHSTEIN
5 UNITED STATES DISTRICT JUDGE
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